

Application No.: 10/696,246

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Docket No.: 509982005700

**REMARKS**

In the Office Action mailed on April 6, 2005, the Examiner rejected claims 1, 2, 10, 13, 14, 22, and 25, and objected to claims 3-9, 11-12, 15-21, and 23-24. Claims 1, 13, and 25 have been amended. Applicants request reconsideration of the pending claims in view of the following remarks.

**I. Claim Rejections – 35 USC 102**

Claims 1 and 13 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,898,471 (the Stonestrom reference).

Claims 1 and 13 recite, in part, that the incident beam is scanned over a range of azimuth angles to obtain an azimuthal scan of the structure. Applicants assert that the Stonestrom reference does not disclose this claim limitation.

In the Office Action, the Examiner cited to column 3, lines 50-51, column 5, lines 7-35, and figure 2 of the Stonestrom reference as disclosing the scanning of an incident beam over a range of azimuth angles. Applicants assert that the cited portions of the Stonestrom reference only disclose scanning the incident beam in lateral directions on a wafer and not over a range of azimuth angles.

In particular, column 3, lines 50-51 describe fig. 2 as depicting “a schematic top plan illustrating the scanning of a beam over a wafer surface.” (Emphasis added.) As described in column 5, lines 12-13, fig. 2 depicts a first scan 40 and a second scan 48. Ellipse 42 depicts a first sampled illumination area during the first scan, and ellipse 44 depicts a second sampled illumination area during the first scan. Thus, the incident beam is scanned in a horizontal direction relative to the page in fig. 2 during the first scan. As depicted in fig. 2, first scan 40 and second scan 48 are displaced in a vertical direction. Thus, the incident beam is moved in a vertical direction relative to the page in fig. 2 to move from the first scan to the second scan. Thus, these cited portions of the

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Stonestrom reference discloses moving the incident beam in lateral directions relative to the page in fig. 2.

In column 4, line 64 – column 5, line 2, the Stonestrom reference discloses that the collection system is oriented to the received light at an azimuthal angle “relative to the incident beam direction in the range from about 80 degrees to about 100 degrees away from the direction of the incident scanning beam 26.” Thus, while the Stonestrom reference discloses that the potential variance in the azimuthal angle can be in the range of about 80 degrees to about 100 degrees, it does not disclose that the incident beam is scanned over a range of azimuth angles to obtain an azimuthal scan of the structure.

Thus, Applicants assert that claims 1 and 13 are allowable over the Stonestrom reference.

## **II. Claim Rejections – 35 USC 103**

Claims 2 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Stonestrom reference in view of U.S. Patent No. 4,837,603 (the Hayashi reference). Claims 2 and 14 depend from claims 1 and 13, respectively. Thus, Applicants assert that claims 2 and 14 are allowable for at least the reason that they depend from allowable independent claims.

Claims 10, 22, and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Stonestrom reference in view of U.S. Patent No. 6,819,426 (the Sezginer reference). Claims 10 and 22 depend from claims 1 and 13, respectively. Thus, Applicants assert that claims 10 and 22 are allowable for at least the reason that they depend from allowable independent claims.

Claim 25 recites, in part, scanning an incident beam over a range of azimuth angles to obtain an azimuthal scan of the structure.” For the reasons set forth above with regard to claim 1, Applicants assert that the Stonestrom reference does not disclose this claim limitation. Thus, Applicants assert that claim 25 is allowable over the combination of the Stonestrom reference and the Sezginer reference.

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**III. Allowable Subject Matter**

Claims 3-9, 11-12, 15-21, and 23-24 were objected to as being dependent upon a rejected base claim. For the reasons set forth above, Applicants assert that these claims depend from allowable base claims, and are thus allowable.

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**IV. Conclusion**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 509982005700. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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